THE HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO.27278 of 1997

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Dated: 05.10.2005

Between:

Madithal Bala Krishnan, s/o Raghava Kurup, r/o Piduguralla post and Mandal, Guntur District.

..... PETITIONER

AND

1. The Regional Transport Authority, Narsaraopet, Guntur District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.27278 of 1997

ORDER:

By this writ petition, the petitioner seeks to declare the action of the respondents in not permitting him to alter the seating capacity of his Vehicle bearing Chasis No.CDR-650MD-2jv-Dv-264483 and Engine No.DV-264483 to operate the same as a Motor Cab as illegal and arbitrary and to direct the first respondent to permit him to operate the said Vehicle as a Motor Cab with a seating capacity of '7' in all by altering the seating capacity from '10' in all to '7' in all in the Registration Certificate

of the said Vehicle.

It is submitted by the learned Government Pleader for Transport and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by a Division Bench judgment of this Court in **O. Gangadhar v. Transport Commissioner, A.P.**, wherein it was held as follows:

> "….As could be seen from the scheme of the Act and the Rules made thereunder in a given case, the Transport Authorities while granting stage carriage or contract carriage permits, keeping in view the route of journey viz., hill stations, fair weather routes etc., a condition may be imposed in the permit to carry certain maximum number of passengers. Merely because the form of permit is provided with a column of 'number of passengers seats', it cannot be said that the owners of the vehicles have a right to get the alteration of seating capacity by removing some seats…."

Following the above judgment, this writ petition is also dismissed for the same and similar reasons. No costs.

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N.V. RAMANA, J

Date: 05-10-2005

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